

May 4, 2020

Greetings from Kitsap County Superior Court,

Please review the following information regarding the use of Zoom in Kitsap County Superior Court.

### **REMOTE ACCESS WEBPAGE**

This [link](#) will take you to the Kitsap County Superior Court remote access webpage. The information on the webpage answers many questions and provides specific instructions about how to access Superior Court remotely. You can also access this link on the Kitsap County Superior Court website. Office Support Specialist Jessica Robison has worked incredibly hard to provide us this opportunity to safely engage in our work as contemplated by Chief Justice Stephens.

### **CIVIL MOTIONS**

Chief Justice Stephens' Order of April 29<sup>th</sup> states: **“Non-emergency civil matters may be continued until after June 1, 2020. However, courts should begin to hear non-emergency civil matters, so long as such matters can appropriately be conducted by telephone, video or other remote means, or in person with strict observance of social distancing and other public health measures.”**

As we begin to handle more matters, we do so only with the understanding that parties will appear remotely. We want to keep you, your clients and those that work in the Courthouse as safe as possible. Walk-in traffic is unpredictable. It is impossible to know whether those that come into the Courthouse are practicing the safe social distancing habits you are. Hallways are narrow. Space is limited.

Using Zoom is not the same as appearing in a courtroom. What is lost in translation when handling hearings remotely is difficult to quantify and subject to robust debate. However, at the present time, we want to safely handle your work through remote technology. A vast majority of the feedback I have received from practitioners and the bench regarding Zoom has been favorable. Zoom is just one part of a solution to the problem.

### **PUBLIC ACCESS**

Chief Justice Stephens' Order of April 29<sup>th</sup> states: **“Courts should continue to record remote hearings and to make the recording or a transcript part of the record and should develop protocols for allowing public observation of video or telephonic hearings.”** Kitsap County Superior Court has developed protocols for access to court via Zoom for public observation. Instructions are posted on our remote access webpage.

### **BENCH TRIALS**

If we have a judge and courtroom available, we will accommodate bench trials. We believe that we can engage in safe social distancing during a typical bench trial. That said, in order to have a bench trial, the parties must agree on how it will be conducted.

The parties may agree to conduct the trial via Zoom. The parties may agree to appear in person. The parties may agree that one party appear by Zoom and the other appear in person. We will do our best to accommodate you. However, if you do not want to conduct your trial via Zoom and also do not want to appear in person at the Courthouse at this time, the trial will be continued.

It is recognized that there are perils and disadvantages conducting bench trials remotely. It is also recognized that at the present time, the Court is not in a position to require anyone involved in a civil matter to physically appear at the Courthouse. We will not do so. If you do not want to conduct your trial via Zoom and also do not want to physically appear at the Courthouse, that position will be honored at this time. This accommodation is, of course, temporary. [It is recognized that a party may be disagreeable to some of your suggestions for conducting a trial for the purpose seeking a continuance. To the extent a party is prejudiced by delay, temporary relief may be sought.]

If you are proceeding to trial, hard copies of your exhibits must be provided to opposing counsel (or party if self-represented) no later than 72 hours before trial, excluding weekends and holidays.

Exhibits should be physically mailed to the Clerk's Office to be received no later than 72 hours prior to the trial, excluding weekends and holidays. Please use the following address:

**Kitsap County Clerk's Office Attn: Kara Barnes**

**614 Division St, MS-34**

**Port Orchard, WA 98366**

If bench copies of exhibits are included, the Clerk's Office will ensure that they are delivered to Superior Court.

If possible, please send an electronic exhibit list to Kara at [kbarnes@co.kitsap.wa.us](mailto:kbarnes@co.kitsap.wa.us). The form can be found [here](#), for your convenience.

The Court will not conduct trials telephonically. Whilst CR 43 contemplates remote testimony under certain circumstances, conducting an entire trial by phone is not feasible.

If you have a hearing set in the immediate future, please share this link with the other side. Continued cooperation between the bench and Bar will help us meet the high standards we have set for ourselves.

More anon, Kevin

Kevin Hull, Presiding Judge  
Kitsap County Superior Court